

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

NICHOLAS ALAHVERDIAN,

Plaintiff,

-vs-

STATE OF OHIO, et al.,

Defendants.

:

Case No. 3:13-cv-113

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 8), to whom this case was referred pursuant to 28 U.S.C. §636(b). Plaintiff was proceeding *pro se* at the time the Report was filed and personally obtained an extension of time to file objections of approximately three weeks (Doc. Nos. 11, 12). Thereafter counsel entered an appearance on behalf of Plaintiff and obtained an additional extension of one month (Doc. No 15 and notation order granting). On July 21, 2013, counsel sought another extension to August 10, 2013 (Doc. No. 16). In granting that Motion, the Magistrate Judge noted that it was Plaintiff's third and that no further extensions would be granted (Notation Order granting Doc. No. 16). Instead of objecting, Plaintiff filed a *pro forma* one paragraph motion to amend with no proposed amended complaint attached. Thus the Court cannot tell whether Plaintiff proposes an amendment which satisfies the requirements of Fed. R. Civ. P. 15. The time for objections having expired without any objections being filed, the Court ADOPTS the Report and Recommendations.

It is therefore ORDERED that the Complaint herein be dismissed without prejudice to the filing of an amended complaint not later than August 22, 2013, which meets the standards of Fed. R. Civ. P. 8 and which omits claims over which this Court has no jurisdiction or which do not state a claim upon which relief can be granted.

August 12, 2013.

s/ ***Thomas M. Rose***

Thomas M. Rose
United States District Judge